

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MALIBU MEDIA, LLC,

Plaintiff,

v.

**JOHN DOE, Subscriber IP Address,
TIM MCMANUS,**

Defendant.

Civ. No. 2:17-01321

ORDER

THIS MATTER comes before the Court on Plaintiff Malibu Media's motion to dismiss Defendant Tim McManus's counterclaims pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 22); for the reasons set forth in the accompanying opinion;

IT IS on this 4th day of April 2018, hereby,

ORDERED that Defendant's motion to dismiss is **GRANTED in part** and **DENIED in part**; and it is further

ORDERED that Plaintiff's motion is **GRANTED** with respect to Defendant's counterclaim for declaratory relief and that counterclaim is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Defendant's motion is **DENIED** with respect to Defendant's second counterclaim alleging abuse of process.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.